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DDO INSTRUCTION
NO. 50-10

OPERATIONS-GENERAL
4 September 1973

RESTRICTIONS ON OPERATIONAL USE OF CERTAIN CATEGORIES OF INDIVIDUALS

Rescission: CSI 50-10, 13 July 1970

1. GENERAL

a. Elemental in the conduct of clandestine operations is the use of human agents to accomplish the missions of the Operations Directorate. In general, it is DDO policy to select agent assets with primary regard to the agents' abilities, target access, and security, and with few restrictions as to their origins, professions or status as members of particular groups. The basic rule is that any consenting adult may be used by the Operations Directorate. There are, however, certain sensitive categories of individuals or groups whose operational use by the Operations Directorate is prohibited or in some way restricted for reasons not necessarily related to security considerations.

b. These prohibitions or restrictions stem from one of the following:

(1) The Agency has been directed by U.S. Governmental authority to restrict or avoid the operational use of a particular category of individuals.

(2) The Agency has entered into a special restrictive agreement with an organization, government, corporation, or official responsible for a category of individuals.

(3) The Director or the Deputy Director for Operations has imposed restrictions on the operational use of a certain category of individuals due to the extreme risk or sensitivity of such exploitation.

2. PURPOSE

The purpose of this instruction is to set forth the prohibitions and policy restrictions (as distinguished from security restrictions) which currently pertain to the operational use of various categories of individuals, together with the special approval procedures to be followed in certain cases. Where appropriate, reference has been made to another publication which provides more detailed guidance than has been attempted in this instruction. The special approval procedures set forth in this instruction do not supersede or alter in any way the requirements for covert approvals contained in DOI and DOI-F 10-5.

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3. DEFINITIONS

Within the context of this instruction, the definitions listed below will apply. Special note must be taken of the fact that the key term "operational use" employed throughout this instruction has been defined in the most succinct manner consistent with clarity. It has not been feasible, however, to cover in a definition the entire scope of possible variations in operational circumstances which may be encountered in DDO activities. The definition of "operational use" is intended to provide guidance for the majority of cases, and must be employed with responsible operational judgment. Issues involving a determination of "operational use" which cannot be resolved with reasonable assurance by the responsible operating components will be referred to the Deputy Director for Operations for decision.

a. *Operational Use*
Operational use is interpreted to mean the recruitment, utilization, or training of any individual or group for DDO purposes on either a witting or unwitting basis by or on the behalf of an element of the Operations Directorate. Utilization is made of an individual or group whenever that individual or group, responding to the direction or solicitation of a DDO element, provides information, performs services, provides cover, or supplies financial, material, or other support necessary for the accomplishment of DDO operational objectives either directly or indirectly, to or for an element of the Operations Directorate.

b. *DDO Element*
Any person or group who or which is responsible to, owned or controlled either directly or indirectly by the Operations Directorate. Included under this definition are employees or members of Agency proprietary mechanisms.

c. *Operational Contact*
Any association having as its purpose the initiation or furtherance of DDO operations.

4. RESTRICTIONS ON OPERATIONAL USE

a. Restrictions on the operational use of individuals or groups are of four types and cover twenty five separate categories as outlined below and as described in greater detail in paragraphs 5 through 8 of this instruction:

(1) *Operational Use is Prohibited* (see paragraph 5):
(a) Members and trainees of ACTION;
(b) Fulbright grantees;

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(c) Officials or employees of the International Association for Cultural Freedom;
(d) Officials, employees, or grantees of the Ford, Rockefeller and Carnegie Foundations;
(e) Employees of U.S. private detective investigative agencies.

(2) *Operational Use Requires Special Extra-Agency Concurrence* (see paragraph 6): AND APPROVAL OF SA/ADDO.
(a) Employees of other U.S. Government agencies;
(b) DDO agents or assets in the United States;
(c) Agents and human sources of foreign intelligence registered by other U.S. agencies;
(d) Citizens (or persons documented as citizens) of Australia, Canada, the United Kingdom (including its overseas dependent territories) and New Zealand;
(e) Citizens of Norway, West Germany and The Netherlands;
(f) Merchant seamen on ships of certain countries.

(3) *Operational Use Requires Special Approval by the DDO* (see paragraph 7):
(a) Publishers, producers, journalists or employees of public information media;
(b) CARE employees;
(c) Individuals engaged in public relations activities;
(d) Officials, representatives, or employees of Communist countries in the United States;
(e) Foreign delegates or employees of the United Nations assigned in the U.S. and U.S. citizen delegates or employees wherever assigned;
(f) Staff members or officials of Red Cross societies;
(g) Officials of the Vatican State;
(h) U.S. Government-funded professors, lecturers, students or grantees;
(i) Members of educational or private voluntary organizations;
(j) Officials or employees of the African-American Institute;
(k) Volunteers to America.

(4) *Operational Use Requires Approval by Chief of Area Division* (see paragraph 8):
(a) Citizens or alien residents of the U.S. in denied areas;
(b) Non-U.S. citizen delegates or employees of United Nations organizations not assigned in the U.S.;
(c) Members of the academic community.

b. Operational use of an individual who comes under more than one type of restriction will be controlled by the highest type of restriction applicable in his particular case.

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5. OPERATIONAL USE PROHIBITED

a. *Members and Trainees of ACTION*

(1) It is Agency policy that members and trainees of ACTION will not be used in any capacity, with or without remuneration, by the Agency or by organizations under its jurisdiction. (The term "members of ACTION" will be understood to mean anyone employed by or associated with ACTION except trainees.)

(2) It is Agency policy that former members of ACTION may be employed or used by the Agency or by organizations under its jurisdiction only in accordance with the following:

(a) Except as stated in (b) below, a former member of ACTION may be employed or used operationally by any element of the Agency only if a period of five full years has elapsed since his separation from ACTION.

(b) An Agency-controlled organization may hire a former member of ACTION, but only for duties related to the overt purposes of such organization, if a period of at least twenty-four months has elapsed since his separation from ACTION.

(c) The employment or use of a former member of ACTION under the provisions of subparagraph (a) or (b) above must have the specific prior approval of the Deputy Director for Operations.

(3) Former trainees whose ACTION service included duty or training overseas are subject to the rules governing employment or use of former members of ACTION (subparagraph (2) above). Former trainees who did not serve at any time as members of ACTION and whose ACTION service did not include duty or training overseas may be employed or used operationally by DDO elements provided the specific prior approval of the Deputy Director for Operations is obtained.

(4) A former member or trainee of ACTION whose employment or use is permitted by subparagraph (2) or (3) above may not be assigned to or used in a country for which he had been trained or to which he had been assigned while with ACTION.

(5) Information may be received by the Domestic Collection Division from private corporations and other organizations employing former ACTION personnel, notwithstanding the fact that the information may originate with former ACTION personnel. However, any direct briefing or debriefing of or contact with former members or trainees of ACTION is subject to the following:

(a) The specific prior approval of the Deputy Director for Operations must be obtained.

(b) If the individual is a former member of ACTION, or a former trainee whose ACTION service included duty or training overseas, five years must have elapsed since his separation from ACTION.

If contact with a former ACTION member or a former trainee whose ACTION service included duty or training overseas should be unavoidable during the required five year waiting period, the Deputy Director for Operations may request an exception from the Director of Central Intelligence. Among the possible reasons for such unavoidable contact would be the designation of a former member or trainee as the liaison officer to the Domestic Collection Division.

b. *Fulbright Grantees*

DDO policy prohibits the operational use of individuals who are receiving U.S. Government support under certain provisions (see below) of the Mutual Educational and Cultural Exchange Act of 1961, as amended, commonly known as the Fulbright-Hays Act. Falling under this prohibition are teachers, research scholars, lecturers and students (including student artists and student musicians) who have been selected to receive scholarships or grants by the Board of Foreign Scholarships appointed by the President of the United States. Operational use of such individuals is prohibited only during the period when they are participating in the educational and cultural exchange program. This prohibition specifically does not apply to the several other categories of grantees supported by other provisions of the Fulbright-Hays Act such as artists, athletes, leaders, specialists or participants at international trade fairs or expositions who do not come under the aegis of the President's Board of Foreign Scholarships (see 7.j., below).

c. *Officials or Employees of the International Association for Cultural Freedom*

DDO policy prohibits the operational use of the officials or employees of the International Association for Cultural Freedom. Contacts with such individuals which DDO officers are obliged to make in their cover capacities must be limited to their cover assignments.

d. *Officials, Employees, or Grantees of the Ford, Rockefeller and Carnegie Foundations*

DDO policy prohibits the operational use of grantees of the Ford Foundation, the Rockefeller Foundation or the Carnegie Foundation or of other persons actively participating in programs which are wholly sponsored and controlled by any of these foundations. Additionally, there will be no operational use made of the officials or employees of these organizations. In general, however, there is no restriction on nonoperational contacts or consultations with such individuals.

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e. *Employees of U.S Private Detective Investigative Agencies*
DDO policy prohibits the operational use either in the United States or overseas of the employees of any U.S.-owned or -controlled private detective investigative agency. This policy does not apply to operational use of employees of organizations which are engaged strictly in commercial or credit investigations.

6. EXTRA-AGENCY CONCURRENCE REQUIRED

a. *Employees of Other U.S. Government Agencies*
Approval for the operational use of staff or contract (including foreign) employees of other U.S. Government agencies will be granted only in cases where the employee's parent agency in Washington has been notified of and has approved of the intended operational use in accordance with the provisions of DOI 10-5.

b. *DDO Agents or Assets in the United States*
In accordance with the agreement existing between the Federal Bureau of Investigation and this Agency, the restrictions listed below apply to the operational activity of the Operations Directorate conducted in the United States. Coordination with the FBI of appropriate information on DDO operational activities in the United States is the responsibility of the Chief, Liaison Group, Operations Staff.

(1) All investigations by this Agency of foreign officials in the United States require the prior concurrence of the FBI. In this context, the term "investigation" means systematic and direct inquiries or procedures (such as physical or technical surveillances or neighborhood inquiries) aimed at developing information concerning an individual's activities or background; "investigation" does not include the acceptance or the development of information through social contacts or contacts normally made by Agency officials in discharging their cover functions.

(2) Any approach in the United States by a DDO element for recruitment of any foreign official or of any visitor from a Communist country requires the prior concurrence of the FBI.

(3) Any planned meeting in the United States for assessment and social development between a DDO element and a foreign official of known or presumed interest to the FBI or between a DDO element and an official or visitor from a Communist country requires that prior notification be provided to the FBI.

(4) Whenever domestic DDO operations involve matters pertaining to the national security of the United States, appropriate identification of persons engaged in the operations in the United States will be

provided to the FBI. In accordance with this policy, the following categories of DDO assets will be identified to the FBI: DDO personnel, agents of the Operations Directorate who are either U.S. citizens or alien residents, and foreign agents of the Operations Directorate recruited abroad who come to the United States for operational purposes.

c. *Agents and Human Sources of Foreign Intelligence Registered by Other U.S. Agencies*

The Interagency Source Register (ISR) has been established at headquarters to provide for United States Intelligence Board (USIB) agencies a centralized record of agents and human sources of foreign intelligence. A principal purpose of the ISR is to register primacy of interest and prevent multiple recruitment or unintentional duplicate operational use of such agents and human sources. It is USIB policy that no individual registered in the ISR by one USIB agency will be used for operational purposes by any other USIB agency without the specific prior approval of the agency having primacy of interest. If a DDO element desires to arrange the transfer or joint operational use of a registered individual, the ISR will contact the agency having primacy of interest to determine whether there is a willingness to discuss this matter.

d. *Citizens (or Persons Documented as Citizens) of Australia, Canada, the United Kingdom (including its Overseas Dependent Territories) and New Zealand*

(1) The operational use of citizens of the above-named countries (including the overseas dependencies of the United Kingdom) is restricted by agreements with the intelligence or security authorities of such countries, which require the prior approval of the appropriate liaison authority. Such approval will be obtained at the earliest feasible stage of development through the European Division (in the case of citizens of Canada or the United Kingdom), or through the East Asia Division (in the case of Australian or New Zealand citizens).

(2) The above restriction also governs the use of false documentation representing DDO staff or agent personnel as citizens of the above-named countries. Approval for the use of such documentation will be sought through the same channels as stated in subparagraph (1) above.

(3) Authority to make operational use of the persons or documentation described in the above subparagraphs without obtaining the prior approval of the liaison authority concerned may be granted only by the Deputy Director for Operations or by the Director.

e. *Citizens of Norway, West Germany and The Netherlands*
The operational use of any citizen of Norway, West Germany or The Netherlands is, under certain conditions, contingent on prior approval of the national intelligence service concerned. These countries are particularly sensitive in cases involving the operational use of their citizens who are merchant seamen and who are serving on ships carrying their flags. Each case involving the proposed operational use of a citizen of one of these countries will be reviewed by the Chief of the European Division in the light of the agreements existing between this Agency and the national intelligence service concerned. After weighing all of the equities, the Chief of the European Division will decide whether approval is required from the national intelligence service concerned. When required, approvals for the operational use of such individuals will be obtained from the appropriate national intelligence services by the European Division.

f. *Merchant Seamen on Ships of Certain Countries*
The operational use of merchant seamen, regardless of their citizenship, who are serving on ships carrying the flags of Australia, Canada, the United Kingdom (or its overseas dependencies), New Zealand, Norway, West Germany or The Netherlands is, under certain conditions, subject to provisions of the agreements existing between this Agency and the national intelligence service concerned. Each case involving the proposed operational use of such a merchant seaman will be reviewed by the Chief of the European Division or the Chief of the East Asia Division, as appropriate, in the light of the pertinent interservice agreements. After weighing all of the equities, the Chief of the European Division or the Chief of the East Asia Division will determine the course of action to be taken with regard to the national intelligence service concerned.

7. APPROVAL BY THE DDO REQUIRED

Approval by the Deputy Director for Operations for the operational use of any individual who falls into one of the categories described in this paragraph will be requested by memorandum. The individual's covert approval status will be described in the memorandum to the Deputy Director for Operations, together with a concise explanation of the intended operational use. (In connection with this paragraph, contacts by the Domestic Collection Division with individuals or firms do not require approval by the Deputy Director for Operations provided they constitute merely briefing or debriefing for the purpose of obtaining information acquired by an individual or representative of a firm in the course of his normal activities. If, however, in any case the contact is on behalf of another element of the Operations

Directorate or another agency; or if an individual or firm will be requested to perform an operational task or to deviate from his or its normal pattern of activity; or if the activity, even though consistent with the individual's or firm's normal pattern of activity, will take place because requested or funded by the Domestic Collection Division; that case will be subject to the requirement for approval by the Deputy Director for Operations.)

a. *Publishers, Producers, Journalists, or Employees of Public Information Media* (see DOI 240-6)

(1) Operational use of publishers or producers of public information media requires prior approval by the Deputy Director for Operations whenever there is danger that such activity might serve in any way to influence U.S. public opinion. Such activities include but are not limited to the publishing of books, newspapers, or magazines, the making of films, the production of TV or radio programs or the issuance in the United States of any public opinion influencing information media. The operational use abroad of publishers or producers of public information media for non-U.S. audiences does not require approval by the Deputy Director for Operations even though such activities may have some unintended and unsolicited fallout in the United States.

(2) Approval by the Deputy Director for Operations is also required prior to the operational use of journalists, newspaper, TV, radio, or news service correspondents or stringers, and employees of news media including TV and radio stations, whenever the individual is a U.S. citizen or when the news medium involved is under U.S. ownership or control.

b. *CARE Employees*

It is DDO policy to avoid operational use of employees of the CARE organization including indigenous employees. Exceptional individual cases involving priority operational objectives will be considered on their merits. Prior approval by the Deputy Director for Operations will be required in all cases.

c. Individuals Engaged in Public Relations Activities (see DOI 50-18)

Individuals engaged in public relations activities which in any way have or seek to have an influence on public opinions in the United States are considered to be in a separate sensitive category. In view of the peculiar aspects of public relations activity, including the special requirements of the Foreign Agents Registration Act, approval by the Deputy Director for Operations is required prior to the operational use in a public relations capacity of any individual who is engaged in public relations activities and who is located in or operating into the United States.

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d. *Officials, Representatives, or Employees of Communist Countries in the United States* (see DOI 60-11)
Prior approval of the Director or the Deputy Director for Operations is required for operational contact in the United States with or operational use of officials, representatives, or employees of the USSR, its satellite countries, Communist China, or any other country under Communist control. If, while in the United States, such individual is to be investigated, approached for recruitment, or contacted for operational purposes, the prior concurrence of the FBI will also be required in accordance with paragraph 6.b., above.

e. *Delegates or Employees of the United ~~States~~* NATIONS
It is DDO policy that the operational use of delegates or employees of the United Nations, including those of its various main organs and of its related intergovernmental agencies, is of such sensitivity as to require special consideration by the Deputy Director for Operations. In especially worthwhile cases wherein operational use of a particular UN individual is deemed essential for the accomplishment of the DDO mission, approval may be obtained. In each case involving a non-U.S. citizen assigned in the U.S. or a U.S. citizen wherever assigned, the prior approval of the Deputy Director for Operations will be required. (See paragraph 8.b. regarding use of non-U.S. citizen delegates or employees not assigned in the U.S.) If, while in the United States, the UN individual is to be investigated, approached for recruitment, or contacted for operational purposes, the prior concurrence of the FBI may also be required as outlined in paragraph 6.b., above.

f. *Staff Members or Officials of Red Cross Societies*
The operational use of staff members or officials of the International Red Cross or its affiliated national Red Cross, Red Crescent, or other equivalent societies requires special consideration and prior approval by the Deputy Director for Operations. DDO elements should make every effort to avoid the operational use of staff members or officials of Red Cross societies. However, when especially high priority objectives are at stake and alternative agent assets are not available, approval for the use of such individuals may be granted by the Deputy Director for Operations.

g. *Officials of the Vatican State*
Operational contact with officials of the Vatican State will be made only with the prior approval of the Deputy Director for Operations. Operational use of Vatican officials will be contingent on prior approval by the Deputy Director for Operations.

h. *U.S. Government Funded Professors, Lecturers, Students or Grantees*
U.S. or foreign professors, lecturers or students and other persons participating in U.S. Government-sponsored academic, cultural, athletic or other

exchange programs (except certain Fulbright grantees—see paragraph 5.b., above) are considered to be in a separate sensitive category. Operational use of such individuals while they are actively participating in an exchange program funded by the U.S. Government requires special consideration and approval by the Deputy Director for Operations prior to such use. In certain especially worthwhile cases wherein the operational use of a particular U.S. Government supported exchangee is considered essential to the accomplishment of the DDO mission, the Deputy Director for Operations may grant approval. Memoranda requesting such approval will be forwarded through the Chief, Foreign Resources Division. In such cases the Deputy Director for Operations will determine whether or not to seek the concurrence of the U.S. Government sponsor.

i. *Members of Educational or Private Voluntary Organizations*

(1) It is U.S. Government policy that no federal agency shall provide any covert financial assistance or support, direct or indirect, to any of the nation's educational or private voluntary organizations. This policy applies to all foreign as well as domestic activities of such organizations. In compliance with the above proscription, DDO policy requires the most careful scrutiny of all cases involving operational contact with U.S. educational or private voluntary organizations including trade and professional organizations. The operational use of any employee, staff member or official of such an organization requires prior approval by the Deputy Director for Operations. The Deputy Director for Operations will determine whether or not to seek extra-Agency approval for the conduct of such operations.

(2) Operational use including covert funding abroad of foreign-based international voluntary organizations and the personnel thereof is permitted even if the organization is also funded by U.S. private voluntary organizations.

j. *Officials or Employees of the African-American Institute*

Operational use of the officials or employees of the African-American Institute requires prior approval of the Deputy Director for Operations. Contacts with such individuals which DDO officers are obliged to make in their cover capacities will not involve operational matters until the approval of the Deputy Director for Operations has been secured.

k. *Volunteers to America*

Operational use of or operational contact with members of Volunteers to America while they are on assignment in the United States will not be made without the prior approval of the Deputy Director for Operations. Volunteers to America are participants in programs established by various foreign countries in collaboration with the Department of State as a

counterpart to the U.S. Peace Corps. Such volunteers are sent to the U.S. for a period of service in schools and community development programs. The name of the organization may vary by country.

8. OPERATIONAL USE REQUIRES APPROVAL BY CHIEF OF AREA DIVISION

Operational use of any individual in the categories listed in this paragraph is considered of such sensitivity as to require special consideration and approval by the appropriate Area Division Chief. This authority may not be delegated. The request for approval will be by memorandum in which the individual's covert approval status will be described, together with a concise explanation of the intended operational use.

a. *Citizens or Alien Residents of the U.S. Used in Denied Areas* (see DOI 50-19)
The operational use in denied areas of U.S. citizens, or of aliens who have been admitted for permanent residence or have resided for a prolonged period in the U.S., requires the prior approval of the Chief of the Area Division under whose jurisdiction the intended use is to take place.

b. *Non-U.S. Citizen Delegates or Employees of the United Nations not Assigned in the U.S.*
The operational use of non-U.S. citizen delegates or employees of the United Nations who are not assigned in the U.S. requires the prior approval of the Chief of the Area Division under whose jurisdiction the intended use is to take place.

c. *Members of the Academic Community*

(1) Within the context of this instruction a member of the academic community is defined as: any student, faculty member, administrative officer or staff official of a college, university or similar institution of higher learning including their associated research centers. Persons associated with institutions such as police or military training centers (except the four college-level military service academies) or undergoing specialized technical training with business or commercial firms are not considered to be members of the academic community.

(2) Operational use of members of the academic community, especially those cases wherein an individual is to be made witting of Agency interest, will be on a highly selective basis. Each case will be examined to ascertain its essentiality to the DDO mission in terms of the price of possible disclosure, and to ensure that proper security procedures can be observed. When it has been determined that the operational use of a member of the academic community as defined above is

operationally feasible and without suitable alternative, prior approval in the following cases will be obtained as indicated below:

(a) Any U.S. citizen who is a member of the academic community and who is associated in any way with any U.S. or foreign college, university or similar institution of higher learning;

(b) Any non-U.S. citizen who is a member of the academic community and who is associated in any way with any U.S.-owned or U.S.-affiliated college, university or similar institution of higher learning which is located either in the United States or abroad. DDO Approval

If the individual is located in the United States, approval will be requested by memorandum to the Chief, Foreign Resources Division. The memorandum will include a statement that the individual is, or is not, a DCD asset or contact, and in the event he is will include the concurrence of the Chief, Domestic Collection Division. If the individual is located outside the United States, approval will be requested by memorandum to the Chief of the Area Division who has jurisdiction over the area concerned. Operational use of foreign members of the academic community who are not associated in any way with U.S.-owned or U.S.-affiliated institutions of higher learning is also considered sensitive. The operational use of such individuals also requires the approval of the Chief of the Area Division. In any case involving a well known person or having special security implications, the Division Chief to whom the request is referred under the above provisions will consult with the DDO and obtain the latter's approval.

(3) The provisions of paragraph (2) do not apply to Domestic Collection Division contacts with members of the academic community, but such contacts are subject to the following requirements:

(a) If a member of the academic community would be asked to perform an operational task or to alter his normal pattern of activity in order to serve Agency purposes, prior approval of the Chief, Domestic Collection Division is required. Additionally, if such an individual will be in a foreign area, the concurrence of the Chief of the Area Division concerned will be obtained.

(b) Prior concurrence will be obtained from the appropriate Area Division Chief if an individual is to be utilized in a politically sensitive area where his presence or activities could potentially embarrass the interests of the U.S. Government.

(c) The requirements of paragraph 8.a. apply if a citizen or alien resident of the United States would be used in a denied area.

(4) At the end of each calendar year, Chiefs of Divisions will submit a report to the Deputy Director for Operations (via Chief, Foreign Resources Division) on the number of individuals recruited from the

academic community during that year. This audit will permit the DDO to keep abreast of major quantitative changes in the number of potentially sensitive operational cases in each Division.

(5) It should be noted that the provisions of this paragraph do not apply to DDO employees who wish to study or teach privately. Approval for such activity will be obtained in accordance with the provisions of HR 10-7.

9. INDIVIDUAL CHANGES OF STATUS OR CATEGORY

When an individual undergoes a change of status which places him in one of the restricted categories described above, or transfers him from one category to another, his operational use or continued operational use is contingent upon approval or reapproval as prescribed for his new status.

10. INTERPRETATION OR MODIFICATION OF RESTRICTIONS

Certain of the policy restrictions described in this instruction are subject to interpretation, extension or modification by the Deputy Director for Operations depending on the conditions and the atmosphere for DDO operations at any particular time. Especially when dealing on the edges of policy rulings and within the guidelines set forth herein, particular heed should be paid to the price of disclosure, including careful consideration of the sensitivities of the individuals involved. When there is any doubt concerning the application of these restrictions, guidance should be obtained from the Deputy Director for Operations.

William E. Nelson
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